

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

UNITED STATES OF AMERICA)	
)	Case No. 1:06-cr-123
vs.)	
)	JUDGE MATTICE
MARCO TODD)	MAGISTRATE JUDGE LEE
)	

MEMORANDUM AND ORDER

An April 13, 2007, letter from Stephen W. Dewalt, Warden of the Federal Bureau of Prisons, Federal Medical Center in Lexington, Kentucky, and Forensic Evaluations of defendant Marco Todd were received by the undersigned Magistrate Judge on April 19, 2007.

It is ORDERED:

(1) A copy of the letter and Forensic Evaluation will promptly be provided by the clerk's office to the U.S. Attorney and the defendant's attorney.

(2) Counsel shall notify the Court and each other if they contend that the mental health evaluation should be filed under seal. If so, an appropriate motion may be made at the mental competency hearing, if such a hearing is requested, or at the time a waiver is filed. In determining whether to seal the evaluation, the Court will consider whether the movant has shown that the interests favoring nondisclosure of the evaluation (including the defendant's interest in the secrecy of the evaluation) outweigh the common law right of access to judicial records. *See, e.g., In re Polemar Constr. L.P.*, 23 Fed. App'x 423, 425 (6th Cir. 2001); *Bank of Am. Nat'l Trust & Sav. Ass'n v. Hotel Rittenhouse Assocs.*, 800 F.2d 339, 344 (3d Cir. 1986). In the absence of such a motion, the mental health evaluation may be filed in the public record.

(3) Counsel are to contact Judge Mattice's chambers to schedule a mental competency hearing by **Friday, May 18, 2007**.

ENTER.

s/ Susan K. Lee _____

SUSAN K. LEE

UNITED STATES MAGISTRATE JUDGE